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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JASON SILVERSTEIN and JENNIFER  
STAMATELOS**, individually and on behalf of others  
similarly situated,

Plaintiffs,

v.

**ALLIANCEBERNSTEIN L.P.**,

Defendant.

**09-CV-5904 (JPO)**

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, PROVISIONAL CERTIFICATION OF THE SETTLEMENT CLASS,  
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND  
APPROVAL OF PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Proposed Notice of Settlement ("Motion for Preliminary Approval") the Declaration of Juno Turner in Support of Plaintiffs' Motion for Preliminary Approval ("Turner Declaration"), and the Declaration of Gregory R. Fidlon in Support of Plaintiffs' Motion for Preliminary Approval, Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Joint Settlement and Release (“Settlement Agreement”), attached as Exhibit A to the Turner Declaration;
- (2) conditionally certifying the following proposed class under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes:

All current and former employees of AB who have worked as an Associate Portfolio Manager, Associate Portfolio Manager, Sr., AO/APM, AO/Associate Portfolio Manager, AO/Associate Portfolio Manager, Sr., AVP/Associate Portfolio Manager, AVP/Associate Portfolio Manager, Sr., and/or similar positions (the “Covered Positions”) in the Private Client division, Fixed Income division and/or Institutional Equity division of Defendant’s Global Portfolio Management Group (“Global PMG”) between June 26, 2003 and the date of the Court’s preliminary approval of the Settlement; and
- (3) appointing Outten & Golden LLP (“O&G”) and the Law Offices of Gregory R. Fidlon, P.C. (“GF”) as Class Counsel;
- (4) approving the proposed Notice of Class and Collective Action Settlement (“Proposed Notice”), and directing its distribution;
- (5) approving the Parties’ proposed schedule for final settlement approval; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court’s convenience.

Dated: August 9, 2013  
New York, New York

Respectfully submitted,  
**OUTTEN & GOLDEN LLP**

/s/ Juno Turner  
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**Attorneys for Plaintiffs, the Collective, and the  
Putative Class**